

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

RUSSELL H. DAWSON, et al

**Plaintiffs,**

vs.

SOUTH CORRECTIONAL ENTITY  
("SCORE"), et al;

#### Defendants.

NO. 2:19-cv-01987-RSM

**STIPULATED MOTION AND  
ORDER ALLOWING SCORE  
DEFENDANTS TO REMOTE THEIR  
MOTION FOR SUMMARY  
JUDGMENT**

**NOTED ON MOTION CALENDAR:  
AUGUST 4, 2021**

Pursuant to Fed. R. Civ. P. 6(b), LCR (6)(b), and LCR 7(l), the parties, by and through their respective counsel, hereby stipulate to allowing the SCORE defendants to refile their motion for summary judgment, Dkt. #145, after the Court has made a determination on the sufficiency of a partial compromise of claims between Plaintiffs and the SCORE defendants.

The parties make these requests for the following reasons:

1. Plaintiffs and the SCORE defendants have reached a partial compromise of claims that may make almost the entirety of the SCORE defendants' motion for summary judgment, Dkt. #145, moot.

**STIPULATED MOTION AND ORDER  
ALLOWING SCORE DEFENDANTS TO REMOTE  
THEIR MOTION FOR SUMMARY  
JUDGMENT - 1  
2:19-cv-01987-RSM**

**KRUTCH LINDELL BINGHAM JONES, P.S.**  
3316 Fuhrman Ave E  
Suite 250  
Seattle, Washington 98102  
TEL. 206.682.1505 • FAX 206.467.1823

- 1           2. Because the decedent had minor beneficiaries, LCR 17(c) and SPR 98.16W require  
2           the appointment of an independent *guardian ad litem* in this matter to investigate the  
3           adequacy of the partial compromise of Plaintiffs' claims against the SCORE  
4           defendants before the parties are able to enter into a binding agreement.
- 5           3. Plaintiffs and the SCORE defendants have negotiated the partial compromise in  
6           consideration of the current procedural posture of the case—including the status of  
7           discovery, remaining costs that will need to be incurred, and uncertainty related to the  
8           pending motions for summary judgment. As such, Plaintiffs and the SCORE  
9           defendants are concerned that any ruling on the SCORE defendants' pending motion  
10          for summary judgment could upset the balance in which the partial compromise was  
11          negotiated.
- 12          4. It is the intent of the parties to delay the SCORE defendants' motion for summary  
13          judgment until after the Court makes a determination on the adequacy of the proposed  
14          partial compromise of claims without prejudicing the SCORE defendants' ability to  
15          renote any part of their motion in the future.
- 16          5. Plaintiffs have circulated a draft of a petition to appoint attorney Jennifer White as  
17          settlement *guardian ad litem* and this motion will be unopposed.

20           IT IS SO STIPULATED.

22           Stipulated this 5th day of August, 2021.

26           STIPULATED MOTION AND ORDER  
27           ALLOWING SCORE DEFENDANTS TO RENOTE  
THEIR MOTION FOR SUMMARY  
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KRUTCH LINDELL BINGHAM JONES, P.S.  
3316 Fuhrman Ave E  
Suite 250  
Seattle, Washington 98102  
TEL. 206.682.1505 • FAX 206.467.1823

1 KRUTCH LINDELL BINGHAM JONES,  
2 P.S.

3 By: /s/ J. Nathan Bingham  
J. Nathan Bingham, WSBA #46325

4 KING COUNTY PROSECUTOR'S  
5 OFFICE

6 By: /s/ Raam Wong  
7 Raam Wong, WSBA #45486

KEATING BUCKLIN McCORMACK  
INC. PS

By: /s/ Stewart Andrew Estes  
Stewart Andrew Estes, WSBA #15535

WILLIAMS KASTNER

By: /s/ Heidi Mandt  
Heidi Mandt, WSBA #26880

10 ORDER

11 It is hereby ordered that based on the stipulation of the parties, and for good cause being  
12 shown, the SCORE defendants' motion for summary judgment is hereby stricken without  
13 prejudice and the SCORE defendants may refile their motion for summary judgment after the  
14 Court makes a determination on the adequacy of the proposed partial compromise. All other  
15 dates set in this matter remain unchanged.

16 DATED this 5<sup>th</sup> day of August, 2021.  
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21 RICARDO S. MARTINEZ  
22 CHIEF UNITED STATES DISTRICT JUDGE  
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STIPULATED MOTION AND ORDER  
ALLOWING SCORE DEFENDANTS TO RENOTE  
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KRUTCH LINDELL BINGHAM JONES, P.S.  
3316 Fuhrman Ave E  
Suite 250  
Seattle, Washington 98102  
TEL. 206.682.1505 • FAX 206.467.1823

1 Presented by:

2 KRUTCH LINDELL BINGHAM JONES, P.S.

3 s/ J. Nathan Bingham, WSBA #46325

4 s/Jeffrey C. Jones, WSBA #7670

5 s/James T. Anderson, WSBA #40494

6 J. Nathan Bingham, WSBA #46325

7 Jeffrey C. Jones, WSBA #7670

8 James T. Anderson, WSBA #40494

9 3316 Fuhrman Ave E

10 Suite 250

11 Seattle, Washington 98102

12 Telephone: (206) 682-1505

13 Facsimile: (206) 467-1823

14 Email: jnb@krutchlindell.com

15 jcj@krutchlindell.com

16 jta@krutchlindell.com

17 TERRELL MARSHALL LAW GROUP PLLC

18 s/Toby J. Marshall, WSBA #32726

19 Toby J. Marshall, WSBA #32726

20 936 North 34th Street, Suite 300

21 Seattle, Washington 98103-8869

22 Telephone: (206) 816-6603

23 Facsimile: (206) 319-5450

24 Email: tmarshall@terrellmarshall.com

25 *Attorneys for Plaintiffs*

26 STIPULATED MOTION AND ORDER  
27 ALLOWING SCORE DEFENDANTS TO RENOTE  
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KRUTCH LINDELL BINGHAM JONES, P.S.  
3316 Fuhrman Ave E  
Suite 250  
Seattle, Washington 98102  
TEL. 206.682.1505 • FAX 206.467.1823